

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1199 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

G S R T C

Versus

MANUBHAI LALJIBHAI

Appearance:

MS MAYA S DESAI for Petitioner

None present Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 28/02/97

ORAL JUDGMENT

Heard learned counsel for the petitioner and perused the Special Civil Application.

2. The petitioner, Gujarat State Road Transport Corporation, filed this Special Civil Application challenging therein the award of the Motor Accident Claims Tribunal, Bhavnagar, dated 12th April 1983, in M.A.C.P. No.32/81.

3. The Motor Accident Claims Tribunal, Bhavnagar, in the order impugned in this Special Civil Application, has awarded Rs.1,000/-, with interest at the rate of 6% p.a., by way of compensation to the claimant-respondent No.1 herein. The bus belonging to the petitioner-Corporation has caused accident which occurred on 19.1.81 at about 1.30 pm, near Ayurvedic College, near Pil Garden, Panwadi Chowk at Bhavnagar. The claimant-Respondent was the owner of Auto Rickshaw which was insured with the United India Insurance Company Ltd. at the relevant time. This amount has been awarded for the damages caused to the Rickshaw due to rash and negligent driving of the driver of vehicle of the Corporation. There were in all four petitions. The three claims petitions pertained to the claims, namely of dependents of two deceased and the third of the injured.

4. The learned counsel for the petitioner contended that the Corporation filed the First Appeals No.126, 127 and 128 of 1984 against the Award of the Motor Accidents Claims Tribunal in the three claims petitions which are pending before this Court. This Special Civil Application was ordered to be heard alongwith those First Appeals. It is true that this Special Civil Application was ordered to be heard alongwith those First Appeals, but I fail to see any justification in the action of the Corporation to file this Special Civil Application against the Award of Tribunal wherein only Rs.1,000/have been awarded to the respondent as compensation for damages caused to the Auto Rickshaw. The Corporation is a public body and it is not expected from the Corporation to spend money on litigations of such trivial nature. In such matters, the cost and expenses of litigation may be much more than what Award has been passed by the Tribunal. The learned counsel for the petitioner has given out justification for filing this Special Civil Application that otherwise the opinion of the Tribunal regarding rash and negligent driving on the part of the driver of the Corporation would have attained finality. I fail to see any justification in this contention of the counsel for the petitioner. It is a case where four different claims petitions have been filed and by not challenging the Award pertaining to claim petition where only Rs.1,000/were awarded, this Court would not have taken in all cases, i.e. three other claims in which appeals have been filed, that the finding of the Motor Accident Claims Tribunal on the question of rash and negligent driving has attained finality. The appeal has been filed and the matter has to be considered on merits and this point would not have come in the way of

petitioners, the appellants in those appeals. The legislature has not provided any right of appeal to the employer or insurance company or the driver of the vehicle where an amount of compensation does not exceed to a particular amount, and the intention is very obvious, to give finality to the Awards, so that in the matter of awards of trivial amount, the Court may not be burdened with litigations and secondly the persons who have been awarded a very meagre amount, may not be unnecessarily subject to further litigation. This object and purpose of legislature has altogether been frustrated by none other than the Corporation which is a public corporation and further it had spent money on the expenses and costs of the litigation which may be much more than what amount has been awarded. It is a case where the Corporation should not have filed this Special Civil Application keeping in view the provisions of the Motor Vehicles Act, as they stood at the relevant time.

5. The learned counsel for the petitioner lastly contended that dismissal of this Special Civil Application may now come in the way of the Corporation in the First Appeals and it will be taken by this Court, i.e. the Division Bench that this Court has affirmed the opinion of the Motor Accident Claims Tribunal on the question of rash and negligent driving of driver of the Corporation. I do not find any substance in this apprehension for the reasons to be briefly stated. Firstly, I am not deciding the matter on merits. Secondly, even if this Court affirms the finding of the Tribunal on the question of rash and negligent driving, then also, it is only a judgment of the single Judge which may not be binding to the Division Bench and lastly this order is always appealable. Be that as it may. As this petition is being dismissed only on the ground that it is an uncalled for litigation by the Corporation, it is hereby made clear that the finding of the Motor Accident Claims Tribunal, Bhavnagar, given in the claim petition No.32 of 81, dated 12.4.83, is not affirmed as nothing is decided on merits and this judgment will not come in the way of the petitioner-Corporation in the First Appeals pending before the Division Bench of this Court.

6. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged. No order as to costs.

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